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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,770	02/28/2005	Alan Foster	7520-2	6942

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WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

EXAMINER

JACKSON, ANDRE L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/526,770

Applicant(s)

FOSTER, ALAN

Examiner

Andre' L. Jackson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/27/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-16 and 20-32 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,887,824 to Zatlin. Zatlin discloses a support for a castor, comprising;

first and second plates (24, 30) located in coaxial, spaced apart relationship so as to provide mutually facing surfaces, bearing means (28) located between the plates whereby one plate is rotatable with respect to the other plate, and one component of at least one pair of co-operable components (26, 26, 32, 32) being mounted on each plate, at least one of which pair of components is a permanent magnet adapted, in one angular position of the rotatable plate with respect to the other plate, to be brought into registration with a relatively small air gap between adjacent surfaces of the two co-operable components to create a magnetic flux that, up to a certain torque restrains rotation, and in other angular positions without registration permits free rotation unless and until re-registration occurs.

As to claims 15 and 16, as best seen in figure 3, the rotatable plate is formed in disc shape with a depending sidewall or skirt/rim extending toward the other plate and encloses the pair of magnet components.

As to claims 21-24, as best seen in figure 3, the rotatable plate and other plate are in the form of disc with a portion of each disc shaped plate including the pair of magnetic components shaped as annular half-discs spaced on a common diameter of each plate respectively about one hundred-eighty degrees apart defining spaced apart confronting faces when assembled.

As to claims 27-32, the castor of Zatlin is in the form of a trolley or skateboard comprising a support structure (34, 36) and multiple wheels (18) mounted rotatably about the support structure located integrally with the rotatable plate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 17-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Zatlin. Zatlin does not specifically disclose that any of the co-operable magnetic components is either ferro-magnetic or electro-magnetic as claimed. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention was made to substitute or form the magnets of Zatlin to be in form of electro-magnets or ferro-magnets, since the Examiner takes the position that the magnetic material claimed and cited in the prior art operate as equivalents for their

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intended use and function in the magnetic castor art and the selection of any of these known equivalents to modified into the castor assembly of Zatlin would be within the level of ordinary skill in the art. Further, applicant has not stated or disclosed that the selection of the above magnetic attractive material solves any relevant problem or achieves an unexpected result or is for a particular purpose, thus the castor assembly of Zatlin operates equally as well.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In particular, applicant's citation to Vig et al is relevant to applicant's base and subsequent dependent claims, including at the least magnetic components disposed upon opposing plates, bearing means between the plates and oriented such that a rotatable plate of the opposing plates angular position is fixed relative to a magnetic flux created by the magnetic components. Vig et al may be used singly or in combination to meet the limitations of applicant's claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (10 am - 6:30 pm).

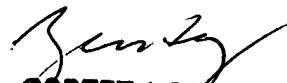
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
AU 3677

ALJ



ROBERT J. SANDY
PRIMARY EXAMINER